

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES NELSON,

Plaintiff,

v.

GREG MARSH et al.,

Case # 17-CV-6535-FPG

DECISION AND ORDER

Defendants.

Pro se Plaintiff James Nelson filed a Complaint, moved to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, and moved to appoint counsel. ECF Nos. 1-3.

Nelson's *in forma pauperis* motion is incomplete. Nelson does not indicate his exact monthly wages, does not state how much he receives in government benefits each month, and does not state the amount his roommate contributes to monthly household expenses. Because the motion is incomplete, Nelson's *in forma pauperis* motion (ECF No. 2) is DENIED WITHOUT PREJUDICE. Nelson must either (1) re-file his application using the Court's standard form¹ with all of the relevant information included, or (2) pay the \$400.00 filing fee by March 27, 2018. If Nelson has not complied with either of these options by March 27, 2018, the Clerk of Court shall close this case as dismissed without prejudice without further order.

¹ The form is available on the Court's public website at: <http://www.nywd.uscourts.gov/sites/default/files/IFPApplicationForm.pdf>.

Finally, because the Court is denying Nelson's *in forma pauperis* motion, his motion to appoint counsel is premature and is also DENIED WITHOUT PREJUDICE. Nelson may re-file the motion after re-filing his *in forma pauperis* motion.

IT IS SO ORDERED.

Dated: February 28, 2018
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court